

NOV 19 2019



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

75 Hawthorne Street
San Francisco, CA 94105

Certified Mail: 7018 0680 0000 3319 7676

Donald & Era Farnsworth
Magnolia Editions, Inc.
2527 Magnolia St.
Oakland, CA 94607

Subject: **LEAD WARNING LETTER - RENOVATION, REPAIR AND
PAINTING
LEAD WARNING LETTER- DISCLOSURE**

Dear Mr. & Mrs. Farnsworth:

The U.S. Environmental Protection Agency (EPA) received confidential information stating that you had work performed at 262 Athol Avenue in Oakland, CA 94606 that may have violated federal regulations for lead-based paint activities under the Toxic Substances Control Act (TSCA) **Renovation, Repair, and Painting (RRP) Rule**, codified at 40 C.F.R. §745, Subpart E. In addition, the EPA has been notified of potential violations of the Residential **Lead-Based Paint Disclosure Rule**, codified at 40 C.F.R. §745, Subpart F at the above location. EPA is issuing this Lead Warning Letter to ensure you understand that federal law requires you to comply with **the RRP and Disclosure Rule and the potential fines you may face.**

WHY IS LEAD DANGEROUS

Lead is a toxic metal and it was used in paint before 1978. Lead interferes with the development and functioning of almost all body organs, particularly the kidneys and central nervous system. Lead is particularly dangerous to children because their growing bodies absorb more lead than adults do and their brains and nervous systems are more sensitive to the damaging effects of lead. The rules mentioned above support EPA's work in protecting families from lead in homes built before 1978.

RRP REQUIREMENTS

The RRP Rule contains requirements for firms and individuals involved in repairs, renovation, or painting of pre-1978 housing or child-occupied facilities. The purpose of this letter is to notify you that failure to comply with the RRP Rule is prohibited under Section 409 of TSCA, 15 §2689, and may subject you to civil penalties of up to \$38,114 per violation per day.

Based on our investigation, EPA is concerned that you are out of compliance with lead-safe work practices. Further details can be found in the document titled, "Small Entity Compliance Guide to Renovate Right" and at www.epa.gov/lead.

You are required to comply with the RRP Rule if you continue to work on pre-1978 housing or child-occupied facilities. The building on 262 Athol Avenue in Oakland was constructed in 1908.

Issuance of this warning letter does not preclude EPA from pursuing penalties authorized by law in the future. Due to the compliance problem(s) identified during our initial investigation, any tips or complaints that EPA receives in the future about your firm will likely result in a full investigation. Any violations of the RRP Rule may result in the issuance of a civil administrative complaint and the assessment of monetary penalties.

DISCLOSURE RULE

The United States Environmental Protection Agency (EPA) is also following up on a Lead Tip and Complaint for potential violations of the **Residential Lead-Based Paint Disclosure Rule**, codified at 40 C.F.R. § 745, Subpart F at 262 Athol Avenue in Oakland, CA 94606. EPA is issuing this Warning Letter to ensure you understand that federal law requires you to comply with the Disclosure Rule.

During our initial assessment, EPA identified the following potential violations:

- 40 CFR Subpart F Section 745.107, Disclosure requirements for sellers and lessors
- Section 745.113, Certification and acknowledgement of disclosure

Thus, EPA advises that you are likely out of compliance with the Disclosure Rule. Failure to comply with the Disclosure Rule is prohibited under Section 409 of TSCA, 15 U.S.C. § 2689, as well as 42 U.S.C. 4852d(b)(5) and **may subject your firm to civil penalties of up to \$17,047 per violation per day.** A summary of the Disclosure Rule requirements can be found at <https://www.epa.gov/lead/real-estate-disclosure>.

For all the reasons previously cited, all residential sales or leasing activities that involve homes built before 1978 must be performed in strict accordance with the Disclosure Rule. If you are a qualified small business, you may find the U.S. EPA Small Business Resources Information Sheet at <http://www2.epa.gov/enforcement> useful. Additional information can be found on-line at www.epa.gov/lead or by calling the National Lead Information Center at 1-800-424-5323. Attached is a recent press release pertaining to lead enforcement.

If you have any questions, feel free to contact me at (415) 972-3982 or salazar.matt@epa.gov

Sincerely,



Matt Salazar, PE
Manager, Toxics Section
Enforcement and Compliance Assurance

Enclosure: Press Release